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REMARKS

The Office Action mailed July 17, 2007, has been carefully reviewed and the following remarks are submitted in response thereto. Claims 1-24 and 26-32 are pending in the application.

The rejection of claims 1, 2, and 4-11 under 35 U.S.C. §102(b) as being anticipated by Lesley is respectfully traversed. In the Response to Arguments section of the final rejection, it is stated:

Applicant fails to demonstrate how a communications network is different than a data network. A communications network and a data network are equivalent.

However, the basis for applicant's argument was not that the recited communications network and data network are different types of network. The important point is that the claim recites two individual networks coupled by a gateway. Claim 1 recites that the subscriber terminal is in the communications network while a data service is provided from the data network. Whether or not the two networks employ a type of network that is equivalent in some sense is irrelevant. In fact, both networks may typically be primarily digital networks. Nevertheless, there are two distinct networks recited together with a particular interaction between them which are not described by Lesley.

Lesley is directed to providing prepaid services within the telecommunications network itself (i.e., within the same network to which the subscriber terminal is connected). The prepaid services include communication processes conducted between two or more telecommunications devices in that same telecommunications network (page 8, lines 8-12). Lesley fails to disclose a user accessing a data service in a data network from a subscriber terminal in a communication network as is required by claim 1. Therefore, it fails to anticipate claim 1.

Since Lesley fails to disclose a data service according to the specific limitations of claim 1, it likewise fails to teach a determination of whether a balance of

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a prepaid account of a corresponding subscriber for a data service meets a threshold. Moreover, it necessarily fails to teach redirecting traffic to a self-service portal (i.e., since Lesley does not teach traffic directed to a destination in a data network for obtaining a data service, it cannot redirect any such traffic). Therefore, claims 1, 2, and 4-10 are allowable over Lesley.

Independent claim 11 recites essentially the same limitations are discussed above regarding claim 1. Therefore, claim 11 is likewise allowable over Lesley.

The rejection of claim 3 under 35 U.S.C. §103(a) as being unpatentable over Lesley in view of Berry is respectfully traversed. Berry relates to access within a data network. There is no access to a data service remotely from another network via a gateway. Since Lesley and Berry each relate to actions with one network, their combination does not suggest an architecture wherein two different networks are coupled by a gateway and then data services in one network are accessed by a subscriber in the other network. Therefore, the combination of Berry and Lesley fails to produce the claimed method.

The rejection of claim 12 under 35 U.S.C. §103(a) over Taskett in view of Sprint (Reference U) is respectfully traversed. It is unclear whether the basis for rejecting claim 12 is under §102(b) or §103(a) because the introduction of the rejection refers to §102(b) while the rejection itself states that it would be prima facie obvious. Applicant assumes that a rejection under §103(a) was intended. In either case, claim 12 is allowable over the cited references as follows.

Claim 12 is similar to claim 1 and further recites first and second prepaid data services. The prepaid data services are provided to a subscriber terminal in a communications network coupled by a gateway to a data network. Taskett fails to provide any teaching of data services or a data network coupled to the communications network by a gateway. Sprint Reference U likewise is limited to the provision of a service within the subscriber communication network. Therefore, Taskett in view of Ref. U fails to either disclose or suggest the interaction between networks that is recited in claim 12. Claim 12 is allowable over the cited references.

The rejection of claims 13-16, 18-21, 23, 24, and 26-30 under 35 U.S.C.

§103(a) as being unpatentable over Lesley in view of Moore is respectfully traversed.

As described above in connection with claim 1, Lesley lacks the separate communications and data networks which are also recited in claims 13 and 30. The website system of Moore fails to strengthen the rejection since it likewise fails to teach or suggest a gateway between a communications network and a data network together with prepaid access within the communications network to the data network. The combination of Moore and Lesley further fails to suggest the automatic redirection to a self-service portal. Therefore, independent claims 13 and 30 and dependent claims 14-16, 18-21, 23, 24, and 26-29 are allowable over the cited references.

The rejection of claim 31 under 35 U.S.C. §103(a) as being unpatentable over Lesley in view of Taskett is respectfully traversed. Claim 31 recites a system which performs a method as recited in claim 12. It includes the subscriber terminal in the communications network, a data network, and a gateway coupling the two networks. The gateway performs the prepaid account balance checking as in claim 12. Thus, claim 31 is allowable for the reasons discussed above regarding claim 12.

Clarification is requested concerning the statements in the Office Action that there is a denial of a priority claim. The present application has been properly filed as a continuation in part. The effective filing date of claims in a CIP application must be performed on a claim by claim basis. The prior art relied on in the Office Action has effective dates prior to the filing date of the parent case. Since no relied-on prior art has an effective date between the filing date of the parent and the filing date of the CIP, the choice of effective date of any particular present claim is not currently at issue. Therefore, clarification is requested concerning whether the Office is denying CIP status to the application.

In view of the foregoing amendment and remarks, claims 1-24 and 26-32 are now in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,



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